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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,315	10/30/2001	David R. Kline	10013687-1	4750

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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 02/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,315

Applicant(s)

KLINE, DAVID R.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/302001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The application of David Kline for Method and Apparatus for causing a remote device to implement a user profile filed October 30, 2001 has been examined. Claims 1- 40 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Croy et al. U.S Patent 6040829.

Regarding claim 1, Croy et al. teaches an electronic apparatus, comprising: a housing that a person can carry (figure 3A); and a circuit (figure 2) coupled to the housing that causes a device to operate (col. 2 lines 62-64) according to a predetermined user profile of the person (col. 8 line 66-col. 9 line 2), the device being remote from the housing and circuit (col. 9 lines 16-18).

Regarding claim 2, Croy et al. teaches user profile includes personal viewing choices on TV (col. 10 line 68-col. 9 line 1) which means the user profile is provided to the device (TV).

Regarding claim 4, Croy et al. teaches the circuit communicates with the device via a wireless channel (col. 5 lines 61-63).

Regarding claim 6, Croy et al. teaches the circuit comprises: a processor (130); a memory (131) coupled to the processor and stores the user profile (col. 6 lines 8-11); and a transmitter (138) coupled to the processor.

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Claim 7, 13, 16-17, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. U.S Patent 5977964.

Regarding claims 7 and 20, Williams et al. teaches devices (106, 102) comprising a circuit (104) that: stores a predetermined user profile of a person (col. 3 lines 10-12); detects a remote electronic apparatus by receiving response via the remote associated with the person (col. 10 lines 26-34); and causes a device to operate according to the user profile (col. 7 lines 15-19) in response to detecting the electronic apparatus (col. 10 lines 37-40).

Regarding claim 13, Williams et al. teaches a base unit (100), comprising a circuit (104) that: stores a predetermined user profile (preferences) of a person (col. 3 lines 10-12); detects a remote electronic apparatus by receiving response via the remote associated with the person (col. 10 lines 26-34); and causes a satellite device (system 100 receives programming input from satellite source 126) to operate according to the user profile (col. 7 lines 15-19) in response to detecting the electronic apparatus (col. 10 lines 37-40).

Regarding claim 16, Williams et al. teaches a control agent (704) with associated user profile database (database inherently include memory) (col. 15 lines 35-40). Williams et al. teaches the system as shown in figure 7 represents a software model which inherently includes a processor.

Regarding claim 17, Williams et al. teaches the base unit communicates by wireless means with the electronic apparatus (col. 14 lines 24-27).

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Claims 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Gehrke U.S. Patent 6584381.

Regarding claims 34-35 and 38, Gehrke teaches a method, comprising: sensing a person associated with a user profile; and configuring a device according to the user profile in response to sensing the person (col. 4 lines 35-51).

Regarding claims 36-37, Gehrke teaches the electronic apparatus (transponder) is connected to the device when the transponder come within contact range of the vehicle (col. 4 lines 32-37) and the device is configured with the connecting apparatus (col. 4 lines 35-51).

Regarding claim 38, Gehrke teaches sensing the person by sensing the electronic apparatus formed by the transponder (col. 4 lines 38-45).

Regarding claims 39, Gehrke teaches sensing the person with the base unit (20) (col. 4 lines 26-28).

Regarding claim 40, Gehrke teaches sensing the person comprises sensing the person with the device (vehicle) and configuring the device causing the device to configure itself (col. 4 lines 35-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy et al. U.S Patent 6040829 in view of Kemink et al. U.S Patent 6563430.

Regarding claims 3 and 22, Croy et al. teaches a remote control circuitry that cause the remote device to operate according to the user profile (col. 10 line 68-col. 9 line 1) but is silent on teaching the remote circuit cause the device to operate according to the user profile when the person is within a predetermined range. Kemink et al. in an art related remote control device with location dependent interface teaches a remote circuit cause the device to operate according to the user profile (pre-defined control action) when the person is within a predetermined range (col. 4 lines 57-63).

It would have been obvious to one of ordinary skill in the art for the remote circuit to cause the device to operate according to the user profile when the person is within a predetermined range in Croy et al. as evidenced by Kemink et al. because Croy et al. suggests a remote control circuitry that cause the remote device to operate according to the user profile and Kemink et al. teaches a remote circuit cause the device to operate according to the user profile when the person is within a predetermined range.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Croy et al. U.S Patent 6040829 in view of Luff et al. U.S Patent 6396224.

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Regarding claim 5, Croy et al. teaches the circuit communicating with a device by wireless means (col. 5 lines 61-63) but is silent on teaching the circuit communicates with the device by wired (cable) means. Luff et al. in an art related hand-held controller teaches the circuit of a hand held controller communicates with device by a wired (cable) means (figure 1) and one skilled in the art recognizes wired and wireless means are conventional communication means for a hand-held controller.

It would have been obvious to one of ordinary skill in the art for the circuit to communicate with the device by wired (cable) means in Croy et al. as evidenced by Luff et al. because Croy et al. suggests the circuit communicating with a device by wireless means and Luff et al. teaches the circuit of a hand held controller communicates with device by a wired (cable) means and one skilled in the art recognizes wired and wireless means are conventional communication means for a hand-held controller.

Claims 8, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S Patent 5977964 in view of Croy et al. U.S Patent 6040829.

Regarding claims 8, 14, and 21, Williams et al. teaches causing a device to operate according to the user profile in response to detecting the electronic apparatus (col. 10 lines 36-40) but is silent on teaching the user profile is received from the electronic apparatus. Croy et al. in an art related hand-held controller device teaches a device receiving a user profile from an electronic apparatus (col. 8 line 66-col. 9 line 2).

It would have been obvious to one of ordinary skill in the art to receive a user profile from the electronic apparatus in Williams et al. as evidenced by Croy et al. because Williams et al. suggests entering and storing a user profile and Croy et al. teaches hand-held controller device teaches a device receiving a user profile from an electronic apparatus as a convenient way of communicating a user preferences to an apparatus.

Claims 9, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S Patent 5977964 in view of Kemink et al. U.S Patent 6563430.

Regarding claims 9, 15, and 22, Williams et al. teaches causing a device to operate according to the user profile in response to detecting the electronic apparatus (col. 10 lines 36-40) but is silent on teaching the remote circuit cause the device to operate according to the user profile when the person is within a predetermined range. Kemink et al. in an art related remote control device with location dependent interface teaches a remote circuit cause the device to operate according to the user profile (pre-defined control action) when the person is within a predetermined range (col. 4 lines 57-63).

It would have been obvious to one of ordinary skill in the art for the remote circuit to cause the device to operate according to the user profile when the person is within a predetermined range in Williams et al. as evidenced by Kemink et al. because Williams et al. suggests a remote control circuitry that cause the remote device to operate according to the user profile and one skilled in the art recognizes that a remote control unit has a defined range of operation. Kemink et al. also teaches a remote circuit cause the device to operate according to the user profile when the person is within a predetermined range.

Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S Patent 5977964 in view of Liebenow U.S Patent 6530083.

Regarding claims 10 and 16, Williams et al. teaches a control agent (704) with associated user profile database (database inherently include memory) (col. 15 lines 35-40) but is not explicit in teaching a processor coupled to the memory. Liebenow in an art related system for personalized settings teaches storing user profile in a memory (col. 5 lines 15-20) and teaches coupling the processor to the memory (figure 1).

It would have been obvious to one of ordinary skill in the art to couple the memory to a processor which cause the device to operate according to the user profile in Williams et al. as evidenced by Liebenow because Williams et al. suggests a control agent with associated user profile database (database inherently include memory) and Liebenow teaches storing user profile in a memory and teaches coupling the processor to the memory.

Claims 11-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S Patent 5977964 in view of Tegler et al. U.S Patent 6606481.

Regarding claims 11-12 and 18-19, Williams et al. teaches wireless communication means between the base station (104) and the electronic apparatus (132) is by wireless means (figure 1) and the satellite device communicate with the base station over a bus (108) (figure1) but is silent on teaching communication with the electronic apparatus and the satellite is by cable and the circuit further communicate with the electronic apparatus by wireless channel and communicate with the satellite device via cable. Tegler et al. in an art related communication system teaches a base station using wireless and a cable as a communication means (figure 1)

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and one skilled in the art recognizes that wireless means and cable are standard communication means used by a base station.

It would have been obvious to one of ordinary skill in the art to one of ordinary skill in the art to communicate with the electronic apparatus and the satellite is by cable and the circuit further communicate with the electronic apparatus by wireless channel and communicate with the satellite device via cable in Williams et al. as evidenced by Tegler et al. because Williams et al. suggests wireless communication means between the base station and the electronic apparatus and the satellite device and Tegler et al. teaches a base station using wireless and a cable as a communication means and one skilled in the art recognizes that wireless means and cable are standard communication means used by a base station.

Claims 23-24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S. Patent 5977964 in view of Orthmann et al. U.S. Patent 5602538.

Regarding claims 23-24, Williams et al. teaches devices (106, 102) comprising a circuit (104) that: stores a predetermined user profile of a person (col. 3 lines 10-12); detects a remote electronic apparatus by receiving response via the remote associated with the person (col. 10 lines 26-34); and causes a device to operate according to the user profile (col. 7 lines 15-19) in response to detecting the electronic apparatus (col. 10 lines 37-40). Williams et al. teaches storing the profile of multiple users (col. 3 lines 10-13) but is silent on teaching a second electronic apparatus operable to be carried by a second person determine respective priorities of the first and second persons and operating according to the user profile of the person having the higher priority. Orthmann et al. in an art related invention of identifying multiple apparatus

(transponder) teaches selecting an apparatus from a multiple of apparatus based on a priority scheme that selects the apparatus that is closest to the device (col. 2 lines 50-54).

It would have been obvious to one of ordinary skill in the art to detect the first and second apparatus based which apparatus is closest to the device in Williams et al. as evidenced by Orthmann et al. because Williams et al. suggests storing multiple users profile and Orthmann et al. teaches selecting an apparatus from a multiple of apparatus based the apparatus that is closest to the device as a means of selecting an apparatus when multiple responses are received.

Claims 25-26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S Patent 5977964 in view of Doviak et al. U.S Patent 6418324.

Regarding claims 25-26, detects a remote electronic apparatus by receiving response via the remote associated with the person (col. 10 lines 26-34) but is silent on teaching the electronic apparatus is a laptop computer or a personal digital assistant. Doviak et al. in an art related communication system invention teaches detecting of electronic apparatus including laptop and PDA (col. 9 lines 16-17).

It would have been obvious to one of ordinary skill in the art to detect a laptop computer or a personal digital assistant in Williams et al. as evidenced by Doviak et al. because Williams et al. suggests detecting an electronic apparatus and Doviak et al. teaches detecting electronic apparatus including PDA and laptop.

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Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S Patent 5977964 in view of Othmer et al. U.S Patent 6167358.

Regarding claim 28, Williams et al. teaches a device storing a user profile (see response to claim 7) but is silent on teaching the device is a vending machine. Othmer et al. in an art related system and method for monitoring a plurality computer-based system invention teaches the storing of user profile (col. 13 lines 61-63) and also teaches the computer-based system is a vending machine (col. 13 lines 7-8).

It would have been obvious to one of ordinary skill in the art for the device to be a vending machine in Williams et al. as evidenced by Othmer et al. because Williams et al. suggests a device storing a user profile and Othmer et al. teaches the storing of user profile on a computer based system such as a vending machine.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. U.S Patent 5977964 in view of Gehrke U.S Patent 6584381.

Regarding claim 29, Williams teaches a device storing a user profile (col. 3 lines 10-12) but is silent on teaching the device is a seat. Gehrke in an art related device for exchanging data with a vehicle teaches storing user profile for configuring a seat (col. 3 lines 33-43).

It would have been obvious to one of ordinary skill in the art to store a user profile for configuring a seat in Williams et al. as evidenced by Gehrke because Liebenow suggests a device storing a user profile and Gehrke teaches storing user profile for configuring a seat.

Claims 30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. U.S Patent 6563430 in view of Croy et al. U.S Patent 6040829.

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Regarding claim 30, Kemink et al. teaches a system, comprising: an electronic apparatus (100) operable to be carried by a person; a device (124) that is operable to be remote from the electronic apparatus (col. 3 lines 48-52); and a base unit (240) coupled to the device (figure 1) and that when remote from the electronic apparatus is operable to, store a predetermined user profile of the person evidenced by the filtering of information based on the particular user (col. 6 lines 11-13), detect the electronic apparatus, and cause the device (appliance) to operate according to the user profile in response to detecting the electronic apparatus (col. 4 line 64- col. 5 line 9). Kemink et al. is however silent on teaching the device is a satellite device. One skilled in the art recognizes that satellite devices are also appliances that are operable remotely from the electronic apparatus as evidenced by Croy et al. (col. 9 lines 16-18).

It would have been obvious to one ordinary skill in the art to have a satellite device in Kemink et al. as evidenced by Croy et al. because Kemink et al. suggests a device that is operable remotely from an electronic apparatus and one skilled in the art recognizes that satellite devices are also appliances that are operable remotely from the electronic apparatus as evidenced by Croy et al.

Regarding claim 32, Kemink et al. teaches the base unit (240) is operable to detect the electronic apparatus when the base unit is within a predetermined distance from the electronic apparatus (col. 4 lines 57-63).

Regarding claim 33, Kemink et al. teaches the base unit (240) is a computer having a processor (figure 3).

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemink et al. U.S. Patent 6563430 in view of Gehrke U.S. Patent 6584381.

Regarding claim 31, Kemink et al. teaches storing a user profile evidenced by the filtering of information based on the particular user (col. 6 lines 11-13) but is silent on teaching the apparatus is operable to provide the stored user profile to the base unit. Gehrke in an art related device for exchanging data teaches an electronic apparatus (transponder) providing a user profile to a base unit (col. 3 lines 33-43).

It would have been obvious to one of ordinary skill in the art for the apparatus to be operable to provide the stored user profile to the base unit in Kemink et al. as evidenced by Gehrke because Kemink et al. suggests storing a user profile evidenced by the filtering of information based on the particular user and Gehrke teaches an electronic apparatus (transponder) providing a user profile to a base unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Vernal Brown
February 3, 2004

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